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SENSITIVE
SIPDIS

DEPT FOR EAP/MTS, G/TIP, PRM

E.O. 12958: N/A

TAGS: [PHUM](#) [PGOV](#) [PREL](#) [ELAB](#) [SMIG](#) [KCRM](#) [KWMN](#) [KTIP](#) [MY](#)
SUBJECT: MALAYSIA: INTERIM ASSESSMENT FOR TRAFFICKING IN
PERSONS 2008 SPECIAL WATCH LIST COUNTRIES

REF: A. STATE 111886 - INSTRUCTIONS
 1. KUALA LUMPUR 1010 - DEPUTY PRIME MINISTER HEARS
 TIP CONCERNS
 2. KUALA LUMPUR 955 - NEW TIP SECRETARIAT
 3. KUALA LUMPUR 940 - FINNISH COMPANY ASSISTS VICTIMS
 4. KUALA LUMPUR 934 - AMBASSADOR'S LETTERS
 5. KUALA LUMPUR 880 - TIP ACTION PLAN DELIVERED
 6. KUALA LUMPUR 799 - STAFFDEL DISCUSSES
 TRAFFICKING OF BURMESE
 7. STATE 99723 - TIP ACTION PLAN
 8. KUALA LUMPUR 653 - AMBASSADOR MEETS HUMAN
 RESOURCE MINISTER
 9. KUALA LUMPUR 495 - BURMESE ALLEGE BEING TRAFFICKED
 10. KUALA LUMPUR 460 - FORCED AND CHILD LABOR REPORT
 11. KUALA LUMPUR 448 - AMBASSADOR MEETS WOMEN'S
 MINISTER
 12. KUALA LUMPUR 422 - TRAFFICKER CHARGED
 13. KUALA LUMPUR 392 - AMBASSADOR MEETS WITH AG

1. (U) Embassy Kuala Lumpur provides the following
submission as an interim assessment of targeted actions by
Malaysia on trafficking in persons (TIP) since April 2008, as
requested ref A.

Implementing and Enforcing the Law

2. (SBU) Malaysia is in the process of implementing its
comprehensive anti-trafficking law, which went into full
force on February 28, 2008. The Home Ministry established a
TIP Secretariat. The Secretariat, among other
responsibilities, provides support to the national Anti-TIP
Council and its three committees (Enforcement, Legislative,
and Protection). The Police constituted a special TIP task
force within its Organized Crime Division. The Attorney
General's Office (AGO) stated it will also form a TIP task
force when the TIP caseload achieves a critical mass. Since
the law went into effect, law enforcement officials rescued
59 women and children whom officials identified as suspected
TIP victims. Rescued victims included nationals from
Indonesia, Thailand, Burma, India, and Vietnam. Pending
their repatriation, suspected TIP victims rescued by
authorities are housed in two designated government-operated
TIP shelters, where they receive counseling, medical
screening, and other social services. The government
officially registered a third shelter in Kota Kinabalu,
Sabah, East Malaysia, on November 13. The government is
proceeding with the establishment of additional shelters,
including in Johor. Police investigated alleged baby-selling
syndicates, rescuing at least nine babies and charging 15
suspects with criminal charges. The AGO currently is
prosecuting six sex trafficking cases, involving seven
suspected traffickers. One suspected trafficker absconded
and that case remains pending until his recapture.

3. (SBU) The government's Anti-Corruption Agency (ACA)
charged Wahid Md. Don, Director-General of Immigration and

his deputy with graft. Wahid is accused of accepting a 60,000 ringgit (about \$17,150) bribe from recruiting agents to approve visas for 4337 Bangladeshi workers, vulnerable to trafficking. Yusof Abu Bakar, Deputy Director-General of Immigration, faces nine charges for allegedly accepting 82,900 ringgit (approximately \$23,685) to extend the visas of Chinese nationals in Malaysia. (Note: We suspect that at least some of the Chinese nationals were vulnerable and perhaps subject to trafficking for sexual or labor exploitation. End note.) The alleged crimes took place between March 21 and June 25, 2008. The Home Minister relieved the two men of their duties after the ACA filed charges. Officials from the AGO, Foreign Ministry, and Home Ministry have begun to probe allegations that Immigration officials were complicit in trafficking Burmese refugees to the Thai border. Members of Parliament raised the allegations in Parliament.

Disseminating Information

14. (U) The AGO developed and disseminated guidelines for processing TIP cases to magistrates. The government conducted various workshops to train personnel from the Women's Ministry, law enforcement, AGO, and the judiciary on implementing and enforcing the new anti-TIP law, and invited outside observers including U.S. Embassy personnel. The government sponsored two international workshops/consultations to share ideas and methods with fellow ASEAN member and representatives from the diplomatic missions the U.S. and Australia. The Royal Malaysian Police hosted a workshop from October 28-30 and the AGO hosted

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regional/international consultations on November 15. Senior government officials publicly commented on Malaysia's role in the regional and global fight against trafficking.

Actions Not Yet Taken

15. (SBU) We do not have information on any GOM efforts to review MOUs with source countries to incorporate victim protection provisions and to prohibit passport or travel document confiscations. The Immigration Department is currently phasing-in a new identification card for foreign workers. In lieu of carrying a passport, these ID cards provide official documentation to migrant workers, allowing freedom of movement in Malaysia, and thus reducing migrant workers' vulnerability to trafficking. The GOM has yet to incorporate an awareness campaign directed at clients of the sex trade and labor employers.

KEITH